



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 05 2015

REPLY TO THE ATTENTION OF E-19J

Rebecca Burkel
Wisconsin Department of Transportation
Bureau of Technical Services
P.O. Box 7965
Madison, Wisconsin 53707-7965

George Poirier
Wisconsin Division Administrator
Federal Highway Administration
525 Junction Road, Suite 8000
Madison, Wisconsin 53717

Re: Interstate 43 (I-43) North-South Freeway Corridor Study, Silver Spring Drive to WIS 60, Ozaukee and Milwaukee Counties, Wisconsin, Final Environmental Impact Statement (EIS) and Record of Decision (ROD) - CEQ No. 20140348

Dear Ms. Burkel and Mr. Poirier:

The U.S. Environmental Protection Agency (U.S. EPA) has reviewed the Final EIS and ROD for the proposed improvements to I-43. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

Federal Highway Administration (FHWA) and Wisconsin Department of Transportation (WisDOT) have identified the preferred alternative from the Draft EIS as the Selected Alternative. Proposed improvements include rebuilding the I-43 freeway mainline, bridges and interchanges, and reconstructing local streets affected by the freeway reconstruction. Proposed improvements strive to avoid and minimize impacts to the natural, cultural, and built environment to the extent feasible and practicable. The overarching goal of the proposed improvements is to address deteriorated pavement, design deficiencies, safety concerns, and growing travel demand, as well as other existing and emerging problems in the I-43 corridor between Silver Spring Drive in the City of Glendale and WIS 60 in the Village of Grafton.

In our Draft EIS comment letter dated May 8, 2014, EPA rated the project as *Environmental Concerns – Adequate (EC-1)*. In our May 2014 letter, we conveyed comments and recommendations concerning aquatic resources within the corridor study area, community involvement and agency coordination, and air quality. Our Draft EIS comments concerning community involvement focused on maintaining fish passage for stream crossings, specific design measures for flow patterns through culverts and pipes, and linking maps to Tables 3-24 and 3-25 were addressed. The following addresses those comments from our May 2014 letter that were not fully addressed in the Final EIS/ROD.

Aquatic Resources

The Final EIS does not appear to contain hydrologic unit code (HUC) codes for Indian Creek and Ulao Creek Subwatersheds. This information would have been helpful in subsections 3.10.1 and 3.10.2 and Exhibit 3-17.

USEPA acknowledges the Final EIS includes information pertaining to fish passage in Ulao Creek and efforts by the Ozaukee County's Fish Passage Program (Program) to improve the connectivity of Ulao Creek, including maintaining passage under I-43. Per the Final EIS, culvert design criteria for the build alternative will include the County's criteria to allow for aquatic organism passage. USEPA appreciates that WisDOT initiated coordination with Ozaukee County to obtain input on design criteria for stream crossings to accommodate the Program's fish passage goals. We urge WisDOT to continue coordinating with the Program to ensure that efforts to improve connectivity are implemented.

The Summary of Comments on the Draft Environmental Impact Statement indicates that Subsection 3.10.2 was updated to clarify that all stream crossing structures are culverts. Crossing structures, whether they are pipe or box culverts, will be designed for low-flow conditions. USEPA appreciates this clarification for purposes of addressing our comment; however, the clarification that all crossing structures will be designed for low-flow conditions does not appear to have been added to Subsection 3.10.2. We recommend that the design of pipes or box culverts for low-flow conditions be included in contract specifications.

Community Involvement and Agency Coordination

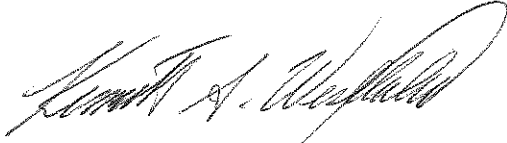
USEPA acknowledges that FHWA and WisDOT included videos and simulations during public meetings and public hearings addressing how a diverging diamond interchange will function at the Brown Deer Road interchange. We recommend FHWA and WisDOT err on the side of caution to inform drivers who have never seen this type of configuration before. We reiterate our Draft EIS recommendations to begin a mixed education effort including the use of fact sheets, websites, signage or other media, as appropriate, to inform the public about the interchange and increase safety and decrease potential accidents. This educational effort should continue for several months following construction as the driving public acclimates to the diverging diamond design.

Air Quality

Subsection 3.21.4 acknowledges several USEPA suggestions to reduce exposure to diesel exhaust, and states that WisDOT will consider including these measures on a voluntary or mandatory basis during the final design phase. We notice, however, that the entire list of emission reduction actions included in our May 2014 letter were not included in this Subsection. We strongly recommend that FHWA and WisDOT strive to incorporate as many emission reduction actions as appropriate as contract specifications.

USEPA is available for continued coordination concerning aquatic resources during the design phase. If you have any questions regarding the contents of this letter, please contact Kathleen Kowal of my staff at (312) 353-5206 or via email at kowal.kathleen@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kenneth A. Westlake", written in a cursive style.

Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

cc: Monica Wauck, Wisconsin Department of Transportation
Anthony Jernigan, US Army Corps of Engineers
Michael Thompson, Wisconsin Department of Natural Resources

